

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

George E. Norcross, III, Gregory B.
Braca, and Philip A. Norcross,

Plaintiffs,

v.

Republic First Bancorp, Inc., Harry
Madonna, Andrew B. Cohen, Lisa Jacobs,
Harris Wildstein, Peter B. Bartholow, and
Benjamin C. Duster, IV,

Defendants.

CIVIL ACTION NO. 2:22-cv-04953

**DECLARATION OF ALAN B. EPSTEIN IN SUPPORT OF DEFENDANTS’
OPPOSITION TO PLAINTIFFS’ MOTION TO REMAND**

I, Alan B. Epstein, declare as follows:

1. I am an attorney admitted and in good standing to practice before the courts of the Commonwealth of Pennsylvania and this Court since 1970. I am a member of the law firm Spector Gadon Rosen Vinci, PC and am counsel of record for Defendants in the above-captioned action.

2. My colleagues George Vinci and Neal Troum were on trial the week of December 12, 2022 in the matter of *Lightsway Lit. Serv. v. Yung, et al.*, D. Del. Bankr., No. 10-50289 (Hon. Mary Walrath) and were thus unavailable to prepare briefing, prepare for a hearing, or confer with Ballard Spahr on matters related to the present action. Given their inability to attend to this matter while on trial, I assumed this responsibility during their absence.

3. On December 13, after our co-counsel, my colleagues and I had completed our analysis and reached a judgment that removal of the action instituted in the Philadelphia Court of Common Pleas was mandated by its reliance on federal law, I prepared and filed for Defendants a notice of removal to the United States District Court for the Eastern District of Pennsylvania.

4. I deny the assertion and suggestion set forth in Plaintiffs' Motion for Expedited Remand and in the accompanying Declaration of Laura E. Krabill, Esq. that Defendants' filing of the notice of removal was in any sense made in bad faith or was not merited by the numerous paragraphs in the Complaint relying on substantive federal laws, policies and procedures. Contrary to the assertions that the removal was intended to delay action on the Motion for Injunctive Relief, the careful research and analysis we performed clearly supported our collective judgment that removal to this Court was proper. Had that conclusion not been reached, we would not have filed the Notice of Removal and proof thereof in this Court.

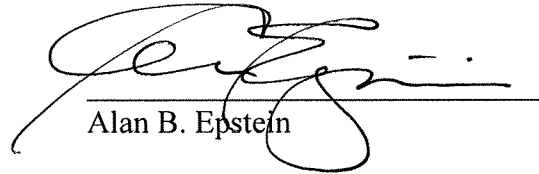
5. On behalf of all Defendants, I filed the required Notice of Removal during the Court's business hours on December 13, 2022. Promptly after that filing with the Court, I sent a courtesy copy of the removal papers by email to Ms. Krabill at Ballard Spahr as counsel for the Plaintiffs. However, the next morning, on December 14, 2022, I received a system notification that the courtesy copy of the notices filed with the two courts was not properly transmitted to Ms. Krabill by me and I promptly resent the documents.

6. On Friday, December 16, I spoke with Ms. Krabill over the telephone to discuss the next steps contemplated by the Defendants and offered my cooperation with any contemplated scheduling. At that time, she only informed me that Plaintiffs were considering filing a motion to remand the action to state court. I invited her to call at any time to further advise me of the intentions of the Plaintiffs regarding remand and/or the filing of any other proceedings such as refiling in this Court of Plaintiffs' Motion for Preliminary Injunction. I also advised her that I was scheduled to be on trial in United States District Court for the Eastern District of Pennsylvania before the Honorable John Gallagher starting on December 19, 2022 in the matter of *Keuch v. Teva Pharmaceuticals, et al* (Civil Action No. 2:19-CV-05488 (JMG)) but that I could be reached on my cell phone and would promptly return her call during any break.

7. I did not hear further from Ms. Krabill or any other lawyer representing Plaintiffs before December 19, 2022, when Plaintiffs filed their Motion for Expedited Remand. I have also

been informed that neither Mr. Vinci nor any of our other colleagues received a call from Plaintiffs' counsel prior to our receipt of the Motion for Expedited Remand either.

I hereby verify that the foregoing statements made by me are true and correct to the best of my knowledge, information and belief, and I understand that the statements herein are made subject to the penalties of law relating to unsworn falsification to authorities.



Alan B. Epstein

Dated: December 27, 2022